

REMARKS

Summary of the Office Action

Claims 1-31 are considered in the Office action.

Claims 1-8, 10, 12-18, 20, 22-24 and 27-31 have been rejected under 35 U.S.C. § 102(e) as anticipated by Gilman et al. U.S. Patent No. 6,628,826 ("Gilman").

Claims 9, 11, 19, 21, 25 and 26 have been rejected under 35 U.S.C. § 103(a) as obvious over Gilman in view of Murashita et al. U.S. Patent No. 6,504,950 ("Murashita").

Summary of the Reply

Applicant has amended claims 1-4, 9-11, 15, 17-18, 25-27 and 31, and has cancelled claims 5-8, 12-14, 16, 19-24 and 28-30 without prejudice. Applicant respectfully submits that the cited references do not describe or suggest the amended claims.

Reply to § 102(e) Rejections

Claims 1-8, 10, 12-18, 20, 22-24 and 27-31 have been rejected under § 102(e) as anticipated by Gilman. Amended independent claims 1 and 27 recite methods and apparatus that (a) obtain or include a target test sheet including a plurality of regions, each region including a known color value; (b) use or include a digital camera to create a first digital image of the target test sheet, the first digital image comprising a plurality of regions, each region comprising an acquired color value; (c) compare the acquired color values to the known color values to align the regions of the target test sheet with the regions of the digital image; and (d) generate a profile to correct a color imbalance between the acquired color values and the known color values. Gilman does not describe or suggest the claimed invention.

Indeed, Gilman does not describe or suggest anything related to images created using a digital camera, but instead pertains to conventional color film photography. In particular, Gilman describes a method that includes exposing color photographic film 14 to a first image of a test chart that includes a plurality of color patches 19 having known spectral properties. (Col. 2, lines 31-34; Col. 3, lines 31-34). In addition, the same roll

of film (or another roll of film) is exposed to a second image. (Col. 2, lines 31-52; Col. 3, lines 54-56). The color film is processed, and the resulting images are scanned using conventional film scanner 20, which scans the first image to provide a digitized chart, and scans the second image to provide a scanned digital image. (Col. 2, lines 52-55; Col. 2, lines 65-67; Col. 3, lines 35-37). A computer 22 uses the scanned digitized chart to construct a film profile, which is used to modify the scanned digital image. (Col. 2, lines 55-58; Col. 3, lines 49-67).

Unlike the claimed invention, however, Gilman does not describe or suggest anything regarding creating a digital image of a target test sheet using a digital camera. Indeed, Gilman is solely directed to conventional color film technology, and is unrelated to digital camera technology. Further, as the Office action concedes at page 6, Gilman does not describe or suggest anything regarding comparing acquired color values to known color values to align the regions of the target test sheet with the regions of a digital image. Because Gilman does not describe or suggest the claimed invention, applicant respectfully requests that the §102(e) rejections of claims 1-4, 10, 15, 17-18, 27 and 31 be withdrawn.

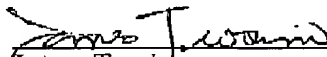
Reply to § 102(e) Rejections

Claims 9, 11, 19, 21, 25 and 26 have been rejected under § 103(a) as obvious over Gilman in view of Murashita. Applicant respectfully submits that neither Gilman or Murashita, alone or combined, describe or suggest the claimed invention. Indeed, it is unclear what, if anything, would result from the combination of the two references. Gilman pertains to conventional color film photography, and Murashita pertains to methods and apparatus related to controlling, characterizing and calibrating a display device. Unlike the claimed invention, the combination of Gilman and Murashita do not describe or suggest anything regarding creating a digital image of a target test sheet using a digital camera, and do not describe or suggest anything regarding comparing acquired color values to known color values to align the regions of the target test sheet with the regions of a digital image. Accordingly, applicant respectfully requests that the §103(a) rejections of claims 9, 11 and 25-26 be withdrawn.

Conclusion

For the reasons stated above, applicant submits that this application, including claims 1-4, 9-11, 15, 17-18, 25-27 and 31, is allowable. Applicant therefore respectfully requests that the Examiner allow this application.

Respectfully submitted,


James Trosino
Registration No. 39,862
Attorney for Applicant